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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. MEMPHIS

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

POSAPAC, LLC, a Tennessee limited liability company,
and BARRY FIALA, INC., a Tennessee corporation,

Plaintiffs/Counter-Defendants,

v.

Civil Action No. 05-2040 BV

WG&D, Inc., an Oregon corporation,
formerly known as
WESTERN GRAPHICS & DATA, INC.,

Defendant/Counter-Plaintiff.

SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates were established as the dates for:

<u>Commencement of Discovery</u> ¹ :	June 30, 2005
<u>Deadline to Join Parties and Amend Pleadings</u> :	August 15, 2005
<u>Markman Briefs by each party with expert affidavits if applicable</u> :	November 1, 2005
<u>Replies to Markman Briefs</u> :	December 1, 2005
<u>Markman Hearing (1 day)</u> :	To be set by Court

¹The Joint Scheduling Order proposed by the parties and entered by the Court on March 22, 2005 permitted discovery limited to document discovery to commence on March 10, 2005. Discovery in all forms permitted under the Federal Rules of Civil Procedure shall commence upon entry of this Order.

Rule 26 Disclosures:

(a) Disclosure of Rule 26 Expert
Testimony by party bearing
burden of proof on any issue:

April 1, 2006

(b) Disclosure of Responsive Rule 26
Expert Testimony:

May 1, 2006

Deadline to Complete
All Discovery:

June 15, 2006

Deadline to File
Dispositive Motions
(Including Motions for
Summary Judgment):

July 14, 2006

Rule 26(a)(3) PreTrial
Disclosures:

To be set by the Court

Pretrial Order w/Witness
& Exhibit List:

To be set by the Court

PreTrial Conference:

To be set by the Court

Trial:

To be set by the Court (the parties
request a date in the fall of 2006)

The parties do not consent to a trial before the United States Magistrate Judge.

The parties are directed to complete a mediation of their dispute by use of a private mediator on or before September 30, 2005. Should the parties be unable to agree upon a mediator by August 1, 2005, they shall advise the Court which will either appoint a mediator for this case or refer the parties to the Court's mediation panel.

This trial is expected to last five (5) days and is SET FOR TRIAL at [★]a.m. on day, , 2006. A pretrial conference is set for .m. on , [★],

2006. A joint pretrial order shall be submitted no later than 5:00 p.m. on , [★],

★ To be set by Judge Breen.

2006.

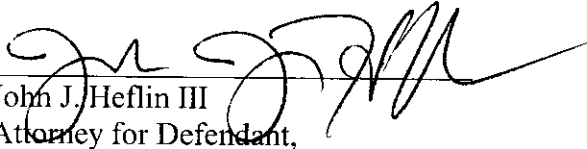
This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED this 11th day of July, 2005.


DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE

APPROVED FOR ENTRY:

RICHARD M. CARTER by JH w/permission
Richard M. Carter
Attorney for Plaintiffs,
Posapac, LLC and Barry Fiala, Inc.


John J. Heflin III
Attorney for Defendant,
WG&D, Inc.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading was served on Richard M. Carter, Esq. Martin, Tate, Morrow & Marston, P.C., 6410 Poplar Avenue, Suite 1000, Memphis, TN 38119-4843, this 11th day of July, 2005.


JOHN J. HEFLIN III



Notice of Distribution

This notice confirms a copy of the document docketed as number 17 in case 2:05-CV-02040 was distributed by fax, mail, or direct printing on July 13, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT